

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND-ODESSA DIVISION

MICHAEL ALLEN and NATHAN) No. 7:16-cv-47-DAE
SCOTT HARRIS,)
)
Plaintiffs,)
)
VS.)
)
PRIORITY ENERGY SERVICES,)
LLC and PRIORITY WELL)
TESTING, LLC,)
)
Defendants.)

ORAL AND VIDEOTAPED DEPOSITION OF
MICHAEL CRAIG ALLEN
AUGUST 5, 2016
Volume 1

ORAL AND VIDEOTAPED DEPOSITION of MICHAEL CRAIG ALLEN,
produced as a witness at the instance of the Defendant, and duly
sworn, was taken in the above-styled and numbered cause on
August 5, 2016, from 8:53 a.m. to 2:25 p.m., before Brandy R.
Garney, CSR in and for the State of Texas, reported
stenographically, at the office of Filteau & Sullivan, Ltd., LLP,
9894 Bissonnet Street, Suite 865, Houston, Texas, pursuant to the
Federal Rules of Civil Procedure and the provisions stated on the
record or attached hereto.



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1 junior -- or excuse me. The mid-level operator kind of gets to
2 choose the people who go out on the job with them. The senior
3 operator gets to do that, as well, but also is more in charge of
4 figuring out what else is needed for the job site?

5 A. Yes.

6 Q. Okay. Are there any other differences that you can
7 think of right now between senior and mid-level operator?

8 A. The senior operator, he gets to walk in with -- with
9 the -- with the field supervisor and the manager and -- and
10 listen to what the -- what the plans or agendas are for the
11 wells.

12 Q. And is he kind of putting in input, saying, hey, look,
13 you know, I've been at a job site like this before, and I know
14 that what y'all are saying may not work, but here's an idea that
15 may -- may do better, or is it just kind of you're just sitting
16 there listening to them talk?

17 A. He's just kind of sitting there listening.

18 Q. Okay. What's -- what is the reason for having the
19 senior operator in the meeting?

20 A. So that way he can kind of give an input with the
21 supervisor and the general manager when you guys are by y'all's
22 selves --

23 Q. Got you.

24 A. -- of -- give your opinion on how you should attack
25 this thing, because what ends up happening is sometimes your

1 general managers -- your general managers, they don't necessarily
2 have to be more experienced than your -- their senior operator.
3 So where they can handle the day-to-day of the business, the
4 technical side of the -- technical side of the job, they don't
5 necessarily have to know a lot of that. So they will have you in
6 there listening and say, well, what do you think? How should I
7 go about designing this or putting this together?

8 Q. Okay. So you're kind of like the boots on the ground?

9 A. Yes.

10 Q. And you understand a part of the -- the business that
11 maybe the GM doesn't?

12 A. Yes.

13 Q. Sometimes the GM --

14 A. Yeah.

15 Q. -- might understand it. Sometimes they might not?

16 A. And the -- and the salesman.

17 Q. Got you. Got you. And -- and this is kind of --
18 across the different job positions you've had, has this kind of
19 been the experience that you've had?

20 A. Yeah.

21 Q. Okay. What other differences can you think of between
22 a senior operator and mid-level operator?

23 A. I've been some cases where at a mid level, a senior
24 usually has a truck.

25 Q. And do you know why a senior operator gets a truck,

1 Q. So other than the -- we talked about the fact that you
2 get to choose who comes out on the job with you. You have more
3 judgment on what types of equipment are needed for the job, kind
4 of setting the job up. You deal more with the -- the salesmen
5 and the company man as the senior operator, and you get a truck.
6 What other differences can you think of between a senior operator
7 and a mid-level operator? And obviously, I think I'm missing the
8 obvious one here. As a senior operator --

9 A. The pay. The pay. The pay.

10 Q. And we'll talk about that in just a second, but it just
11 occurred to me, as a senior-level operator, you're the one
12 troubleshooting, right?

13 A. Yeah. You're troubleshooting.

14 Q. Okay. And so whenever there's a problem out on the job
15 site, an issue comes up and -- and something needs to be fixed or
16 figured out, the senior operator is the first person who -- who
17 has to kind of go through the process of figuring it out, right?

18 A. Yeah. As far as -- as far as the equipment is
19 concerned, yes.

20 Q. Are there other issues that come up on the job site
21 that are not the senior-level operator's duty to fix or figure
22 out?

23 A. Well, no. When -- when you have a problem with the
24 well, you have to call -- you call the company man or the
25 supervisor; and you let them know, hey, this is occurring or --

1 and I think that this should -- in my opinion, I think that
2 this -- we should try this. And they may say, okay, let me look
3 at your report, and I'll call you back in a few minutes. And
4 I'll use this for an example. On the manifold, there's a thing
5 called a choke. The choke is used to determine flow of the well.
6 Well, by procedure, the company man may tell me, okay, 9:00
7 o'clock a.m., I want it on a 16 choke. At 11:00 o'clock, you
8 need to bring it up to an 18 choke. And that's on the procedure
9 of the paper.

10 Well, I bring it up to an 18 choke, and a lot of
11 sand starts coming up out of the well instead of fluid. Well, I
12 have to call them and say, hey, look, this is what I got. And
13 they're going to make a decision. They're going to say, keep it
14 right there and see what it does or, hey, let's go ahead and
15 bring it back down a choke size. My biggest -- my -- my biggest
16 job is -- is being the eyes and the ears or -- or -- or what have
17 you for the company man for my field sup to have adequate numbers
18 of reportings and all of that and stuff that they're receiving.

19 Q. Okay. And so when you say eyes and ears, it's kind of
20 the same as -- as what we were talking about earlier. You're the
21 boots on the ground. You're the person who's there --

22 A. Yes.

23 Q. -- and has the stuff in front of you?

24 A. Yeah.

25 Q. And so when you call and report back to the -- to the

1 manager, to the company man, you say, look, this is what's
2 happening. This is what I think we should do, based on what I'm
3 seeing. And then the manager or company man may or may not take
4 your advice?

5 MR. SULLIVAN: Object to the form of the question.

6 Q. (BY MS. HILL) Do you understand the question?

7 A. Yeah. I understand. I understand. They may or may
8 not take my advice? They, in actuality -- they will come out
9 there. They're going to come out and -- and -- and see. They're
10 going to put the numbers. And, yes, it would be up to them to --
11 to -- to do whatever they want to do, because I'm just giving my
12 opinion, you know.

13 Q. Okay.

14 A. Based on my -- my -- my years of experience, you know.

15 Q. Okay. So just making sure I understand you. You call
16 them up and say, you know, whenever I moved up to an 18 choke at
17 11:00 o'clock, a bunch of sand started coming up. At that point,
18 then they're going to come out to the job site and look at it and
19 see what they need to do?

20 A. Yeah. My field sup. He'll -- He'll end up coming over
21 there. He'll say, let me call you back. And he'll say -- he may
22 say, okay. I'll be over there. Just leave it right where it's
23 at.

24 Q. Okay. Is that every time or is that just when there's
25 like a situation that you guys can't figure out over the phone

1 something would happen based upon what I told him, it's his
2 neglect because he didn't come and see or he didn't look at the
3 reports or he didn't -- you know.

4 Q. So is it fair to say that the more a field supervisor
5 trusts a senior-level operator, the less often he might feel the
6 need to come out and check up on -- on whether everything is
7 going okay or whether the job has been or the problem has been
8 handled correctly? I'm just assuming there's kind of a level of
9 trust that builds up after you've worked with a person for a
10 while?

11 A. Yeah. You build up -- you build up a level of trust.
12 But, once again, he's still -- he has to do his checks and
13 balances because we -- we go through these situations that if --
14 if -- if something goes wrong -- and he's responsible for these
15 wells. You know, he's -- he's responsible for this whole group
16 of wells over here on this side. And if something happens, it's
17 not -- I can duck because I'm not -- you know, hey, I watched it.
18 I -- I told you. I let you know what was going on and what have
19 you. And nobody gave me any feedback on what was to happen or
20 what was to do. And a lot of times, the -- my decisions that I
21 make will be based upon stop work authority. If it's going to
22 hurt somebody, you know, that's -- that's the only time you're
23 able and the helpers are able to do that. Anybody that comes --
24 anybody that's a part of that job site. If you see something
25 that's about to hurt somebody, shut that well in, then you can

1 call the company man and say, hey, I shut this well in because
2 such and such and such and such. I felt it was -- you know, it
3 was a situation where somebody could die. But beyond -- but
4 beyond that, any of the other decisions that were made or
5 anything like that, they're responsible for him, you know. I can
6 give my opinion and say, hey, let's -- let's pour acid down the
7 well, you know. He says, yeah. Something goes wrong with that
8 well, that's on him. Mike, you said we should pour -- well,
9 that's what I thought, you know. But you -- you told me it was
10 okay to do. So we always -- it's -- it's -- it's pretty much
11 everybody kind of -- kind of does the checks and balances on it
12 because for the simple fact is you're to blame. Somebody is
13 going to have to pay for this well if this well messed up. One
14 of the -- Select will have to pay for that well. I've seen it to
15 where company men make wrong decisions, and they -- that's why
16 they carry insurance and stuff. And they have to pay for the
17 well.

18 Q. Got you.

19 A. And all of that. It's that -- that chain of command
20 situation. But at the same -- in the same token, it's -- it's
21 all -- it's going to all roll downhill. But at the same time,
22 that company man, he may say something to the field supervisor.
23 That field supervisor may say something to me and -- me and the
24 hands; but that company man has to answer to that oil company,
25 too. He may not have that job any more or he's going to say,

1 A. Yes.

2 Q. Okay. Other than finding a part, certainly there are
3 troubleshooting issues that you come up against as a senior
4 operator that you -- you don't have to call the field supervisor
5 about, things that you've seen, you know, and learned about in
6 your experience?

7 A. Yeah. Yeah. I don't have to call -- I don't -- I
8 don't have to call him immediately if a -- if a manifold -- if
9 one side of my manifold cuts out. I change -- I go ahead and
10 switch sides -- switch -- switch -- put a -- put a new choke --
11 choke, seed and stem and all that on it and -- and note it for
12 when he -- he's going to call and ask me --

13 Q. So later on, you will kind of say, hey, man --

14 A. Yeah.

15 Q. -- this happened earlier?

16 A. Yeah.

17 Q. Had this situation come up. This is how I handled it?

18 A. Yeah. Because what it will do is that -- that
19 particular problem will have a fluctuation in the pressure or
20 what have you of the well. And if they're looking at it and it's
21 like, well, why did this happen or why did we only make 36
22 barrels of oil this hour and 15 barrels of water, when we were
23 making 50 and 40? Well, manifold cut out. I had to change it
24 out and go to the other side and -- and fix this. But, once
25 again, I have to do checks and balances. I have to put that in

1 the report.

2 Q. Right.

3 A. Because if it's not in the report, they're going to
4 call me and say, hey, what happened at 3:00 or 4:00 o'clock, you
5 know?

6 Q. Right.

7 A. And I have to be aware of that and -- I have to be
8 aware of that and have to put that in. And sometimes I can be
9 over, handling things with the trucks, the helpers. They have to
10 put that, you know. Everybody has to put what's going on. If it
11 alters away from that procedure, you better be able to justify
12 it, and it better be in the report.

13 Q. Do your helpers ever come to you and say, you know,
14 this happened. I just want you to know so that you're aware
15 maybe in your communication with the company man later, or are
16 they just writing it in the book and maybe you see it, maybe you
17 don't?

18 A. Yeah.

19 MR. SULLIVAN: Object to the form of the question.

20 Q. (BY MS. HILL) Just explain to me how it works whenever
21 a hand sees, you know, a problem and they fix it. Are they going
22 to come talk to you about it or are they just going to put it in
23 a -- in -- in the report, typically?

24 A. They will actually write it down on the -- on -- on the
25 report, and sometimes they will say something -- sometimes they

1 and they fired him.

2 Q. So did that -- was that -- for you, was that
3 significant? You saw that as being disloyal?

4 A. Yes.

5 Q. And kind of wanted to take off from the company?

6 A. Yes. That -- yes.

7 Q. I could see that.

8 A. Yes.

9 Q. Okay. So you didn't like the way that they were
10 handling things where this new --

11 A. Yes.

12 Q. -- acquisition, and so you decided it was time to move
13 on?

14 A. Yes.

15 Q. Okay. So then you went to Priority?

16 A. Yes.

17 Q. Okay. And at Priority, you were hired on as a senior
18 operator, right?

19 A. Yes.

20 Q. And at Priority, they call it a Level 6, right?

21 A. Yes.

22 Q. What is -- is there a level that's higher than 6 at
23 Priority?

24 A. Yes.

25 Q. Okay. What level is that?

1 A. That's a Level 7 --

2 Q. Okay.

3 A. -- field supervisor.

4 Q. Okay. So the Level 7 is the field supervisor?

5 A. Yes.

6 Q. And that's who we've been talking about throughout as
7 being the person that you would report to?

8 A. Yes.

9 Q. Okay. And do you remember -- I'll just ask you,
10 instead of doing it that way. Was it around May 21st, 2013 when
11 you started working at Priority?

12 A. Yes.

13 Q. Okay. And you were working in the Odessa yard --

14 A. Yes.

15 Q. -- for Priority? Okay. And when you applied for the
16 position, you applied for well test supervisor, correct?

17 A. Yes.

18 Q. Okay. And when we were discussing earlier the senior
19 operator position, the -- the high-level operator position, that
20 stuff that we talked about applies to Priority. Those were the
21 types of things you were doing at Priority?

22 A. Yes.

23 Q. Okay. Is there anything about Priority that was
24 different from what you just described to me a little bit earlier
25 about the senior operator position?

1 A. No.

2 Q. Okay. And then you left Priority. You didn't stay at
3 Priority for two years, right?

4 A. No.

5 Q. You left Priority February 27, 2014. Does that sound
6 about right?

7 A. Yes.

8 Q. Okay. So you worked there for less than a year?

9 A. Yes.

10 Q. Okay. And why did you leave Priority?

11 A. We had an account -- we had two -- two -- two accounts.
12 We had one with Energen, and we had one -- one with Atlantic.
13 Energen was actually our bread and butter, was -- was our -- was
14 our real bread and butter. And -- and the guy who -- who
15 actually -- we worked for, we had been working for since we were
16 at BTI, Select, PPS. And he -- and he let it be known, I'm
17 not -- I'm getting ready to get rid of Priority, you know.

18 Q. So you had been kind of following this --

19 A. Yes.

20 Q. -- particular client --

21 A. Yeah.

22 Q. -- for a while?

23 A. Yes.

24 Q. You had a good working relationship?

25 A. Yes. Good working relationship with him. And -- and

1 accommodate it.

2 Q. Okay. And is this another situation -- you talked
3 earlier about sending a bunch of your guys to go work at, I
4 think, Bronx because you knew that Bronx would hire them because
5 they wanted you to work there. Do you remember talking about
6 that earlier?

7 A. Yeah.

8 Q. Has that kind of been your experience at all these
9 places where you've become a valuable senior-level operator where
10 if you know a guy that's real experienced or good at his job and
11 you recommend them, that your superiors are going to say, okay,
12 you know, maybe we should bring this guy on?

13 A. I -- I haven't tried it. In actuality, I haven't tried
14 it. I -- I did it within the Bronx situation because I knew
15 that -- I knew that if -- he needed the people. The people had
16 the experience as far as the computer was concerned. Just to be
17 honest, I don't -- I try not to do that. It's because for the
18 simple fact is you can never hold this guy over my head.

19 Q. Sure.

20 A. You understand when -- when -- if something doesn't go
21 right and -- and what have you, you can't hold it up over my
22 head, you know.

23 Q. So you may have been able to make recommendations for
24 hiring, but you personally chose not to take on that risk --

25 A. Yeah.

1 Q. -- and responsibility?

2 A. I don't -- it's not like -- the responsibility, you
3 know, it's not my job. So I'm not going to get into it. It's
4 just something extra to get myself put in a bind behind, you
5 know.

6 Q. Exactly.

7 A. Because I've been that -- I've been down that route
8 before, you know.

9 Q. Got you. And -- and what about if a guy is just doing
10 a real crap job and just isn't performing well? What do you do
11 in that situation? Do you go make recommendations that, hey,
12 this guy is not working out. I don't want him on my crew any
13 more or how do you handle that?

14 A. I call -- I call -- and I call Craig or -- or Danny,
15 and I would let them know. Hey, man. Man, this guy here is --
16 he can't stay awake or his numbers are wrong or what have you.
17 And they will say, okay. Tell that guy to pack his stuff, and
18 we'll have somebody else out there. He said, but wait. Let me
19 get somebody on the road.

20 Q. Right.

21 A. You know, and you tell that guy to pack his stuff and
22 come on in, you know.

23 Q. And, again, you're the boots on the ground. They kind
24 of depend on you to be the person to tell them, because otherwise
25 they're not going to know that this hand --

1 as a well test operator?

2 A. Yes.

3 Q. Okay. I want to talk just a little bit about your
4 typical day, and we're going to talk specific to Priority. I
5 understand we've been kind of talking generally about the Level 6
6 senior operator position or -- or instead of saying Level 6, I'll
7 just say senior operator. But instead of talking generally now,
8 I want to talk just about Priority, okay? I guess walk me
9 through a typical day when you're working the day shift at
10 Priority, and then we'll flip, and we'll do the night shift.

11 A. Okay.

12 Q. And that's assuming there is a typical day. If that's
13 not -- if that's -- if that isn't the case, then let me know.

14 A. Well, can I give you the job scope first, and then
15 maybe we can do the typical day?

16 Q. Whatever you think makes sense.

17 A. Okay. The typical job scope, it ran like this, as far
18 as well testing was concerned. You show up with the equipment
19 out on the job site. And that was for frac support.

20 Q. And I'll -- I'll -- I'll pause here just so that I
21 catch it early. I want to also know about times. So when you
22 say you show up at the job site, let me know around what time.

23 A. Okay.

24 Q. Okay.

25 A. You show up around -- you show up to the job site.

1 Usually, depending on -- depending on what time they have gotten
2 through with putting the frac stack, putting the wellhead on, the
3 company man will call you out there. Now, we would show up out
4 there, and we would have to rig -- rig in for a thing called frac
5 support. Frac support entailed your manifold and probably 700
6 foot of pipe. Now, because --

7 Q. So who's doing the rig in or the -- everybody --
8 everybody is pitching in or the hands are kind of setting up the
9 equipment and you are kind of telling them how to set it up or --

10 MR. SULLIVAN: Object to the form of the question.

11 Q. (BY MS. HILL) Did you understand my question?

12 A. Yes.

13 Q. Okay. You can answer.

14 A. Myself and the night guy.

15 Q. Yourself and the night guy are doing the rig in?

16 A. Yes.

17 Q. Okay. And what are the hands doing?

18 A. There are no hands.

19 Q. During the rigging process?

20 A. There are no hands. There are no hands.

21 Q. Okay.

22 A. So we'll -- we'll rig in 700 feet of pipe.

23 Q. And what does that entail, rigging in 700 feet of pipe?

24 Are you just laying it out on the ground?

25 A. No.

1 Q. Are you positioning it where it needs to be?

2 A. Yeah. We're actually running it from the tree,
3 hammering it up. We're getting prepared to pressure test it.
4 Because we -- we need to be -- have it rigged in, running to
5 the -- running to the tanks, running to the pit. We basically
6 need all of that -- we have to have all of that rigged in by 6:00
7 o'clock the next morning.

8 Q. And what time did you start this process?

9 A. You would start this process anywhere from 11:00 to
10 12:00 o'clock.

11 Q. The night before?

12 A. 11:00 to 12:00 o'clock the day before. Yeah. Yeah.
13 Yeah. Noon. Say noon.

14 Q. So you start at noon. And from noon on until 6:00 a.m.
15 the next day --

16 A. Until 6 -- 6:00 a.m. You have until that time --

17 Q. Okay. It doesn't necessarily take that long to do it?

18 A. It doesn't usually take -- necessarily take that long.
19 Probably takes about 10 hours.

20 Q. Okay. And you said that this is just the -- the senior
21 operators are the ones doing this?

22 A. No. It's -- it's two people. It could be two helpers.
23 It could be any two people, because the -- the ticket is going to
24 pay for two people at this particular point.

25 Q. And who decides what two people are going to do this?

1 Q. Uh-huh.

2 A. -- they have a safety meeting.

3 Q. Uh-huh.

4 A. They start frac'ing those stages that I told you about.

5 Q. Right. Okay.

6 A. And you're sitting -- that one man, he's sitting in the
7 truck, and he's sitting there for 12 hours and hoping that
8 nothing goes wrong.

9 Q. So what -- what I think I'm understanding you saying is
10 you -- you did participate in the rig in process often, but you
11 did not participate in the frac support process often?

12 A. Yeah.

13 Q. Okay. And do you know why that was?

14 A. Because it's just somebody just sitting there, and they
15 always had something. I was usually -- I was usually either
16 still on the other -- another job, which I -- let me go -- go
17 along, and you will see why that was. Frac support is there.
18 Frac -- frac is usually a minimum of 7 days. Could last 14 days.
19 So let's say two weeks is frac support. Now, frac support
20 usually ends at about -- they usually end up not frac'ing -- end
21 up frac'ing the last stage -- it always seems to fall at about
22 10:00 or 11:00 at night. Well, once they're -- once they're
23 done, the company man comes to us and says, hey, y'all need to
24 rig in for drill-out. Rig in your equipment for drill-out. So
25 now we come out with our sand trap valves, and we start basically

1 maneuvering stuff around to get ready for this drill-out.

2 Q. Okay. I'm going to pause you for just a second to make
3 sure I understand. So the rig in is happening in between stages
4 of the job. So you're -- you rig in before the frac happens?

5 A. Uh-huh.

6 Q. And then at the end of the frac you're going to start
7 rigging in for the drilling part of it?

8 A. Yes.

9 Q. Okay. So the -- so the -- the rig in process is not
10 something that you're doing on a daily basis. It's something
11 you're doing maybe once a week or once every two weeks?

12 A. Yes.

13 Q. Okay. Continue.

14 A. So we rig in for the drill-out. And just so happens,
15 luck of the draw, if you've been on -- if you were working the
16 frac and you've been sitting up 12 hours, you know that you're
17 going to have to get up. You're going to work. You're going to
18 work.

19 Q. Because you've been sitting in the truck for two weeks?

20 A. Yeah. You're going -- you're going to -- you're going
21 to work. You are going to rig up. You are going to rest for
22 five hours. And then you're going to rig up until it gets rigged
23 up, and then you are going to work your shift. Because the rig
24 up at 11:00 o'clock at night, that rig up is going to run into
25 your 6:00 to 6:00 shift. So -- so you're going to work some

1 pad and you've got three guys out there during the day or during
2 the night shift, same thing. If a problem arises, you've got one
3 senior-level guy who's going to be the person who handles the
4 issues as they come, whether that means calling the field
5 supervisor, calling the GM, calling the company man or handling
6 on their own. Is that accurate?

7 A. Yes.

8 Q. Okay. And then you're talking about -- we're talking
9 about kind of just a typical day. And I think you're bringing me
10 from the beginning of a job to the end of a job, which is fine.
11 We'll do it that. And then I -- I kind of want to talk about
12 more just the day in a different way; but if you want to continue
13 where you left off, I think we were talking about the rigging up
14 process for the drilling portion.

15 A. After the drill-out, you then rig in for flow-back.
16 And flow-back is when you bring out the separator, the flare
17 stack; and then you reroute the pipe, once again, to accommodate
18 flow-back. Flow-back can last from -- anywhere from five days to
19 five months, give or take any day -- anywhere from five days to
20 five months.

21 Q. So let me -- I just realized a gap. I kind of -- I
22 understood what some of you guys do during the frac process.
23 You're providing support, and a lot of it is just kind of waiting
24 around to see if something goes wrong. What about during the
25 drill up process? What are you guys doing then?

1 A. During the drill-out process?

2 Q. Uh-huh.

3 A. They're running down, as I stated before, with the
4 plugs.

5 Q. So they're -- right. They're doing -- who -- who is
6 actually running down?

7 A. Coil tubing.

8 Q. Okay. And so are you guys there on site while that's
9 happening, providing support?

10 A. Yes.

11 Q. Okay. And what kind of support are you providing at
12 that time?

13 A. We're actually controlling the flow as far as if they
14 ask for four -- four barrels a minute.

15 Q. And when you say we, is that the -- all operators or
16 hands controlling the flow, too? Who -- who specifically is
17 doing the driving?

18 A. It's -- it's the hands. It's just -- it -- you take
19 turns. There is no -- no one person doing that, because you have
20 to be on it. You have to be --

21 Q. Someone has to be sitting in that chair the whole time?

22 A. Somebody has to be -- be -- be standing or sitting or
23 whatever it is right there because if it plugs up, it could send
24 back pressure to the wellhead. So you have to be able to release
25 that pressure, but --

1 Q. So if there's -- if there's one well, then only one
2 person at any given time is actually --

3 A. Sitting.

4 Q. -- sitting and doing that? And what -- what are the
5 other people on the crew doing during that time?

6 A. There's one other person. He's running around, getting
7 the trucks to come and empty out the tanks. He has to go up, and
8 he has to keep a strap of -- that it's at 4 barrels a minute like
9 the -- like procedures states. He has to get up there and do his
10 checks and balances and say, okay, right there at that choke
11 size, it's 4 barrels a minute. And we say, okay, and we kind --
12 and that person would kind of stay there and do what he has to
13 do.

14 Now, that 4 barrels a minute could change at any
15 given time through the plugs and stuff -- things obstructing the
16 flow. So you may have to open it up to get 4 barrels a minute
17 going to clear all of that stuff up out of there and then may
18 have to bring it back down. So at this particular time, you're
19 there. You're up on those tanks and right there, you know.
20 You -- you and that person.

21 Q. And you have your senior-level person kind of -- I'm
22 assuming kind of calling the shots and saying, this is how we
23 need to handle this situation, unless you have another really
24 experienced operator working?

25 A. Company man. Company man. Company man and the coil

1 tubing -- coil tubing supervisor, basically.

2 Q. So are they there the entire time during the flow-back
3 process?

4 A. Yeah.

5 Q. Okay.

6 A. The coil. During this -- during this -- during this
7 drill-out.

8 Q. Uh-huh.

9 A. They're calling -- they're calling --

10 Q. I'm sorry. Drill-out.

11 A. Yeah. They're calling the shots. They're saying what
12 they need. They're coming down and -- and -- and -- and doing
13 that. I mean --

14 Q. And if the situation arises where they're not there and
15 you're faced with an issue, it's the same as what you've told me
16 before where you'll handle it if you know how or if you feel
17 comfortable doing it. Otherwise, you'll call them and say, how
18 should I handle this?

19 A. Well, they -- well --

20 Q. They're there all the time?

21 A. Yeah. This --

22 Q. 24 hours, 7 days a week.

23 A. Yeah. This -- this -- during the drill-out process,
24 they can't not be there.

25 Q. Got you.

1 A. You know, they -- they -- they have to be there,
2 because they're -- they have the radio right there or, you know,
3 and it's like, look, the pressure is building up to 2500. But he
4 can kind of see it; but if he's not paying attention to it, hey,
5 the pressure is building up to 2500. What do you want me to do?
6 Hey, let's do this. And he might walk down, you know. He's
7 only -- he's probably about 20 feet at any given time.

8 Q. Okay. And I assume there are instances where a
9 situation will come out during this process or come up during
10 this process and you may tell the company man, hey, this is
11 what's going on. Here's what I think we should do. And the
12 company man will say, yeah, do that?

13 A. Yeah. Yeah. I've done that before; but like I say, I
14 try to stay away from that. They -- they kind of -- they know
15 what they want to do, you know. And they're pretty --

16 Q. I guess maybe what I'm getting at, in a lot of
17 instances, at least the company men that I've interacted with and
18 have heard about, a lot of times they are more of the back at the
19 office academic type sometimes, and they don't really understand
20 necessarily the mechanics of -- has that not been your experience
21 with --

22 A. I've -- I've -- I've -- I've actually -- I've actually
23 run across some of -- one of those guys before. And you give
24 them your input and what ends up -- ends up happening is here's a
25 Mr. Know It All, you know. I'm one of those -- and in that

1 situation, I speak when spoken to.

2 Q. Okay.

3 A. Because it's pretty much their baby. And if something
4 happens while they're -- while they're right there, you know,
5 it's -- it's -- it's that. You know, you don't want to be
6 like -- because he knows what he wants to do.

7 Q. Got you. So everyone is going to defer to the company
8 man?

9 A. Yeah. Because he's sitting right there.

10 Q. Yeah.

11 A. And it's like he's looking at -- you know, if he says,
12 well, Mike, what do y'all think I need to do? You know.

13 Q. Right.

14 A. Then -- then I'll -- then I'll --

15 Q. Got you.

16 A. Then I will.

17 Q. And that happens, I'm assuming?

18 A. Yeah. That -- yeah. That will happen.

19 Q. So you'll give advice when he asks for it, which does
20 happen; but you're not going to just give unsolicited advice,
21 typically?

22 A. Yeah. No.

23 Q. Okay. So now in the flow-back process, tell me what
24 you -- I understand that y'all do the -- the rig up process to
25 get ready for flow-back. Tell me what you're doing during

1 flow-back, which can last anywhere from five days to five months,
2 you said?

3 A. During -- during -- during flow-back, we're actually --
4 this is where -- we're trying to clean the well up. And what I
5 mean by clean the well up, of course we have all that sand in
6 there. The sand is put down there to pack the purse, to open
7 them up. So all that loose sand, we want to try to get that out.
8 You know, get that out. So that way -- and it takes -- we want
9 to get all of that water out of there, you know, so that the well
10 can start gassing because the gas and the oil is -- is what --
11 what makes the money.

12 Q. Uh-huh.

13 A. So we flow, flow, flow, flow, flow until we start
14 seeing -- we may start seeing gas. If I start seeing gas, I know
15 oil -- oil is not too far behind.

16 Q. And this is where the -- the money is made and the
17 important stuff is happening and --

18 A. Yeah. This is where -- this is where the -- this is
19 where the important things start to happen at. So I'll send it
20 through the separator. So now it can start -- because now
21 there's an oil sheen on the water. You don't know that it's
22 really oil unless -- until the separator separates it. So now
23 you got your water. You got your oil. And I'm burning off the
24 gas. Now, I'm burning off the gas, and that's going to be a
25 temporary thing until this facility is built because I'm going to

1 send it down a pipeline here shortly when they get the facility
2 made up.

3 Q. Okay.

4 A. And so we start to --

5 Q. So this is the period of time that you're -- what we
6 were talking about earlier, you're running the separator. You're
7 doing troubleshooting, if need be?

8 A. Yes.

9 Q. So this is like kind of the crux of your job, then?

10 A. Yes.

11 Q. What it all boils down to?

12 A. Yes.

13 Q. Okay. So if we wanted to talk about your job in terms
14 of your primary duty, we should talk about this aspect of it?

15 A. Yes.

16 Q. Okay. We're just about out of tape. So let's go ahead
17 and switch the tape. Do y'all need a walk-away break or --

18 MS. HILL: We're off.

19 VIDEOGRAPHER: The time is approximately 1:02.
20 We're off the record.

21 (Recess from 1:02 p.m. to 1:03 p.m.)

22 VIDEOGRAPHER: This begins Disk 4. The time is
23 approximately 1:03. We're on the record.

24 Q. (BY MS. HILL) Mr. Allen, you understand you're still
25 under oath, right?

1 A. Yes.

2 Q. Okay. So we just finished talking about the flow-back
3 process, which I think you had described to me in pretty good
4 detail earlier today in the deposition. Is there anything that
5 we didn't talk about earlier about the flow-back process and --
6 and the use of the separator and the troubleshooting that you
7 have to do that you want to add now about your job duties in
8 flow -- flow-back?

9 A. There's a -- excuse me. There's another procedure that
10 follows the flow-back that now you're turning into production.
11 Now, once we turn into production, they pull everybody except for
12 one guy days, one guy nights. And then he's out there by himself
13 getting the -- getting the stuff done for about another -- for
14 about another week, just watching -- watching the production for
15 about another week. One guy days, one guy nights.

16 Q. When you say watching the production, is he just there
17 to make sure the --

18 A. Yeah. He's -- he's still doing the same thing, but
19 he's doing the same thing that he would do during the flow-back,
20 but now he's using their equipment.

21 Q. Okay.

22 A. And probably for about another week, those two guys are
23 out there. And then it breaks down to one guy that watches the
24 well and gives the reports 24 hours a day.

25 Q. And when you say 24 hours a day, is that -- are you

1 sitting there at the site wide awake 24 hours or are you kind of
2 out there for 12 hours and go back to your --

3 A. No. It's 20 -- 24 hours. That's -- this is where --
4 this is where the -- this is where it's -- it gets rough.

5 Q. Okay. So up until now, you've kind of been working day
6 shift and night shift. And then here at the very end of the
7 job --

8 A. Yeah.

9 Q. -- you've got a small little period of time where
10 you're -- you're staying up 24 hours a day?

11 A. Yeah. This is where it gets rough, because it could go
12 from -- it could go for another 2 weeks or 90 days that you're --

13 Q. Give me an example of a time that you spent -- I'm
14 assuming you've never spent 90 days working 24 hours a day, 7
15 days a week in a row. Is that accurate?

16 A. Yeah.

17 Q. Okay. So when you say that this -- this could go on
18 for 90 days, you're saying that this stage could go on for 90
19 days. Not necessarily that you worked 24 hours a day for 90 days
20 in a row?

21 A. No. I'll go -- I'll do -- I'll do -- I -- I pretty
22 much try to -- in actuality, I probably work 60 and 10. I tried
23 to stay a standard 60 and 10. So --

24 Q. What do you mean by 60 and 10?

25 A. 60 days. I would work 60 days.

1 Q. 60 days on and then 10 days off?

2 A. Yeah.

3 Q. Okay. And so if you happened to be in this stage right
4 at the very end of production where you're working 24 hours a
5 day, I'm assuming that you weren't working 60 days in a row for
6 24 hours a day?

7 A. Yes. You -- it's -- it wouldn't be the -- be the full
8 60 days. I've had a situation where I worked probably 33 of
9 those. 33 of those.

10 Q. I guess let's go about it this way: What's the longest
11 period of time you can remember working 24 hours a day straight?
12 For how many days?

13 A. Probably 33. 33 days.

14 Q. And so during those 24-hour shifts for 33 days, you
15 were allowed to sleep at some point, right?

16 A. This is -- this is how you do that: Because of the way
17 that it's set up and it's designed, those -- the tanks are about
18 400 barrels apiece. So what you would do is you get you a good
19 strap on the tanks, and you are going to get you an average for
20 about -- what you are going to do is you are going to strap it,
21 strap it, strap it, strap it. Get you six good hours straight
22 strapping it, because by now, it's got these little monitors in
23 it that actually tell you how much is in there. But, of course,
24 you still got to do the checks and balances but --

25 Q. And this is in the production stage, right?

1 A. Yeah.

2 Q. Okay.

3 A. But what I do is I get me 6 good straps on it. 6 good
4 average straps. And it may be 45 barrels, 49 barrels, 48
5 barrels, 55 barrels. Take the numbers, divide them together, and
6 that's what my average is. So now I'm tired. I'm going to call
7 the truck drivers out. I'm going to have them pull these --
8 these tanks dry. While they're trying to pull these tanks dry,
9 I'm sleeping.

10 Q. And how long does that usually take?

11 A. About four hours. I'll sleep for about four hours.

12 Q. And is that give or take, just depending on how long
13 they --

14 A. Yeah. Just -- just give -- just give or take -- just
15 give or take -- I just -- I -- I give it that standard. Four --
16 four hours is because that's what it averagely usually takes
17 them. So they are always on the job site. So if while I'm
18 sleeping in the truck or what have you, something happens,
19 they're coming back and forth. And they're going to see, hey,
20 wake up, you know. Look at your stuff. And so I do that. And
21 then I set my alarm, because every hour, you have to do -- take
22 these numbers, get these straps and stuff. So --

23 Q. So let me -- let me pause you for a minute. Even while
24 you're sleeping for four hours, you wake up every hour?

25 A. No. For that four hours, no. That's why I averaged

1 it.

2 Q. So that's four hours of uninterrupted sleep. And I
3 understand we're give or take a little time. Four hours is just
4 an average?

5 A. Yeah.

6 Q. Okay. And the 33 days in a row that you worked for 24
7 hours each day, is that at Priority or is that the most you can
8 remember at any job that you --

9 A. No. This is at Priority and for -- on -- on Atlantic
10 Well.

11 Q. Atlantic Well?

12 A. Yes.

13 Q. Do you remember around the time period that that
14 happened?

15 A. No. I can't remember exactly.

16 Q. If you -- if you look --

17 A. I think --

18 Q. If you looked at field tickets, would that help you
19 recall -- help you to recall?

20 A. Yeah. Yeah. That might. Yeah.

21 Q. Just so I'm clear, this 33 days where you worked 24
22 hours a day for the entire 33-day period other than these sleep
23 periods that you got, that was all during this last stage of
24 production when you were out there?

25 A. Yeah. The last -- last stage of production.

1 (Exhibit No. 1 was marked.)

2 Q. (BY MS. HILL) And that's going to be Exhibit 1. Okay.
3 Other than -- well, I think I'll move on from that.

4 MR. SULLIVAN: Let's go ahead, and I'll clip those
5 together.

6 MS. HILL: Yeah.

7 MR. SULLIVAN: So we can give it to the court
8 reporter. Go ahead and clip them together.

9 Q. (BY MS. HILL) You consider the -- the -- the senior
10 operator position to be a supervisor type position, didn't you?

11 MR. SULLIVAN: Objection to the form of the
12 question.

13 Q. (BY MS. HILL) You can answer.

14 A. No.

15 Q. No, you did not consider it to be a supervisor level
16 position?

17 A. No.

18 Q. And if you were to describe it to someone else, would
19 you describe it as a supervisor level position, outside of the
20 context of this lawsuit?

21 A. I guess the best possible way I would describe it is to
22 be a lead man.

23 Q. A lead man?

24 A. Yeah. You would be -- you would be the lead.

25 Q. Okay. Tell me what the difference is between a lead

1 man and a supervisor, in your opinion.

2 A. The lead man, he basically pushes the -- pushes the
3 people on the particular job site, making sure that everything
4 goes the way the -- procedurally it was given to him and what
5 have you. And that would be basically what I would think that I
6 would call myself a lead man in that situation. Under -- under
7 supervisory, I would think that being the supervisor, I would be
8 able to make the decisions. I would -- would be able to hire and
9 fire. I'd sit and -- and -- and do everybody's time, schedule --
10 schedule a time off for -- for particular guys.

11 Q. So you're saying you think you would perform a
12 different set of duties. You'd -- you'd sit and do time. You'd
13 schedule time off. You would hire and fire. What else do you
14 think you would do as -- if you were a supervisor versus a lead?

15 A. Be able to -- to -- to set some things, implement some
16 things in places as far as safety that I may or -- may agree with
17 or disagree with.

18 Q. And you testified earlier, though, that you do have
19 some authority with respect to -- to who -- who works with you on
20 a job site, right?

21 A. I don't -- I have a -- I mean, I have a -- a want.
22 Yeah. Yes.

23 Q. You have a want, but you -- you testified earlier that
24 you actually have that -- that authority at times, correct?

25 MR. SULLIVAN: Object to the form of the question.

1 to firing an employee, you may not necessarily be the one to fire
2 them, right? That might be the what you consider a supervisor?

3 A. No. Yeah. That was the general manager and the --

4 Q. But you --

5 A. -- and the field sup.

6 Q. Okay. So you weren't able to fire, so you think that
7 that means that you weren't a supervisor. But you were able to
8 tell someone, you know, I think this person should be fired.
9 But, again, it was up to them whether or not they listened to
10 you?

11 A. No. I mean, I -- in that -- in that scenario there, I
12 didn't do that. So I don't even know, you know.

13 Q. Okay. Well, I guess I'm referencing specifically
14 earlier we talked a little bit about, you know, if you have a no
15 good hand out there who's just not doing what he should do,
16 you're going to pick up the phone. You're going to call the
17 person who actually has the authority to fire and say, look, this
18 guy sucks. He needs to go. And, you know, they're going to take
19 your -- your opinion on it or they're not?

20 A. They're going to replace him.

21 Q. Okay.

22 A. They're going to replace him.

23 Q. And what do you mean by replace him?

24 A. Send me another -- send me another guy -- another guy
25 to work over, just like I was saying earlier about the one guy

1 who said, well, he's doing that. They didn't -- they didn't fire
2 him, you know, like that, and they didn't come down on me, hey,
3 send him over there. And, you know.

4 Q. Do you remember that guy's name who you had that issue
5 with?

6 A. I'm not sure the guy's name. I think it was -- his
7 name was Stephen. Stephen. I don't remember Stephen's -- I
8 don't remember Stephen's last name. It was Stephen. Matter of
9 fact, it was.

10 Q. And do you know for a fact that Stephen wasn't fired
11 after that altercation or disagreement between you guys?

12 A. Oh, yeah.

13 Q. He stuck around?

14 A. Uh-huh.

15 Q. Okay. And in the situation where -- where they replace
16 a guy, you said they send you a new guy. Do you know whether or
17 not, when they replaced a hand out on a job, whether or not they
18 ever fired a hand after you said you didn't want to work with
19 them any more?

20 A. No. I don't -- I don't --

21 Q. You don't know?

22 A. No. I don't know.

23 Q. So that person may have been fired or they may have
24 stayed on working?

25 A. For a person -- it's hard to get fired. Unless you're

1 A. No.

2 Q. What -- what document do you create, if you create one,
3 that would let me know when things happened and how they happened
4 and where they happened?

5 A. They have a daily report.

6 Q. Is that a drilling report? Is that an IEDC drilling
7 report or what is that?

8 A. It is a flow-back report that Priority has compiled
9 together and has gotten approval from whatever oil company they
10 will look at and say, that's sufficient. We'd like to use
11 that -- that's the report that we're going to use, and we're
12 going to use that going forward and --

13 Q. When do you start keeping the flow-back report?

14 A. The minute that you open the well. The day that you --
15 the day that you open the well. Right after drill-out. The day
16 that you open the well to start flowing back.

17 Q. What information would I find on this flow-back report?

18 A. On that -- on that, you would find wellhead pressure,
19 time, date, how much I flowed in gas, how much I flowed in oil,
20 how much I flowed in water.

21 Q. Would it identify the personnel on the well site?

22 A. Yes.

23 Q. What else -- what other information would I find on
24 that?

25 A. You will find if I did a water -- I did a water sample,